IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JAIPUR BENCH, JAIPUR.

O R D E R

S.B. CRIMINAL MISC.PETITION NO.890/2006.
Mohan Lal
Vs.
C.B.I.
Date of Order : 3/8/2006.

HON'BLE MR.JUSTICE HARBANS LAL

Mr. R.K. Jain for the petitioner.
Mr. S.P. Tyagi, Standing Counsel for CBI.

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BY THE COURT:-

The instant petition u/S.482 Cr.P.C. is directed against the order dated 28/4/2006 passed by the learned Special Judge, C.B.I. Cases, Jaipur in Criminal Case No.11/1998 whereby the application of the petitioner u/S.311 Cr.P.C. for summoning the witness Harun as a prosecution witness has been dismissed.

I have heard both sides and after a perusal of the impugned-order and taking into consideration the fact that this witness namely; Harun was cited as a prosecution witness No.1 and it is also not disputed that his evidence is essential for the just decision of the case, the order impugned dated 28/4/2006 cannot be sustained and deserves to be set-aside.

Consequently, this petition u/S.482 Cr.P.C. is allowed and the impugned-order dated 28/4/2006 passed by the learned Special Judge, C.B.I. Cases, Jaipur in Criminal Case No.11/1998 is quashed and set-aside and it is directed that accused-petitioner may be permitted to examine

Harun as a defence witness on 21/8/2006. In case, petitioner fails or avoids to produce him on that date, no furhter opportunity shall be afforded and the matter shall be disposed of in accordance with law.

(HARBANS LAL), J.

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